

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

UNITED STATES OF AMERICA

vs.

STEVEN DONALD KNEZEK

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Case No. 4:09cr110
(Judge Schell)

REPORT AND RECOMMENDATION **OF UNITED STATES MAGISTRATE JUDGE**

Pending before the Court is the request for revocation of Defendant's supervised release. After the District Judge referred the matter to this Court for a report and recommendation, the Court conducted a hearing on July 12, 2011, to determine whether Defendant violated his supervised release. Defendant was represented by Denise Benson. The Government was represented by James Peacock.

On December 4, 1990, Defendant was sentenced by the Honorable George P. Kazen to forty-two (42) months' custody for Count One and fifteen (15) years as to Count Three followed by three (3) years of supervised release. On August 3, 2003, Defendant completed his period of imprisonment and began service of his supervised term. Defendant's supervised release was revoked on June 24, 2004, and again on September 30, 2005. On June 19, 2009, this case was transferred to this district and is currently assigned to United States District Judge Richard A. Schell.

On March 19, 2009, the U.S. Probation Officer executed a Petition for Warrant for Offender Under Supervision. The petition asserted that Defendant violated various conditions of his supervised release including that Defendant shall not commit another federal, state, or local crime. Violation allegations two, three, and four were dismissed by the Government.

The petition alleges that Defendant committed the following acts with regard to violation one: On March 5, 2009, Defendant committed the offense of murder. Prior to the Government

putting on its case, Defendant entered a plea of true to violation one.

RECOMMENDATION

The Court recommends that the District Judge revoke Defendant's supervised release. Pursuant to the Sentencing Reform Act of 1984, the Court recommends that Defendant be committed to the custody of the Bureau of Prisons to be imprisoned for a term of nine (9) months with no supervised release to follow. It is also recommended that this sentence should be served consecutively to any sentence of imprisonment the Defendant is currently serving. It is also recommended that Defendant be ordered to serve his federal sentence prior to being returned to state custody.

After the Court announced the recommended sentence, Defendant executed the consent to revocation of supervised release and waiver of right to be present and speak at sentencing. Defendant and the Government also waived their right to file objections.

SIGNED this 12th day of July, 2011.



AMOS L. MAZZANT
UNITED STATES MAGISTRATE JUDGE